

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his )  
capacity as ATTORNEY GENERAL )  
OF THE STATE OF OKLAHOMA and )  
OKLAHOMA SECRETARY OF THE )  
ENVIRONMENT C. MILES TOLBERT, )  
in his capacity as the )  
TRUSTEE FOR NATURAL RESOURCES )  
FOR THE STATE OF OKLAHOMA, )  
Plaintiff, )  
vs. ) 4:05-CV-00329-TCK-SAJ  
TYSON FOODS, INC., et al, )  
Defendants. )

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THE VIDEOTAPED 30(b)(6)

DEPOSITION OF PATRICK PILKINGTON, produced as a  
witness on behalf of the Plaintiff in the above  
styled and numbered cause, taken on the 20th day of  
August, 2007, in the City of Fayetteville, County of  
Washington, State of Arkansas, before me, Lisa A.  
Steinmeyer, a Certified Shorthand Reporter, duly  
certified under and by virtue of the laws of the  
State of Oklahoma.

Exhibit 31

TULSA FREELANCE REPORTERS  
918-587-2878

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1 from what you define as negotiation versus the  
2 witness.

3 Q With regard to the actual terms of the  
4 contract, are any of these negotiated separately  
5 with the growers individually?

01:24PM

6 A We do not -- we don't negotiate, to use your  
7 term, individual parts of contracts. In fact, it's  
8 my understanding that we have an obligation through  
9 Packers and Stockyards regulations to treat  
10 similarly situated growers similarly and, in fact, I  
11 believe that would prohibit what I think it is you  
12 are asking.

01:24PM

13 Q Do you know a Mr. Thomas Michael Baker?

14 A I do not believe so.

15 Q Okay. You don't know whether he's been  
16 employed by Tyson and had any knowledge with regard  
17 to contracts in the past?

01:25PM

18 A I don't know.

19 Q Has Tyson in the past changed a term in a  
20 contract as a result of a request by a grower making  
21 that request?

01:25PM

22 A The only situation I can recall would be a  
23 request to decrease the duration of a contract. For  
24 instance, we commonly offer -- today we commonly  
25 offer three-year contracts or a seven-year contract,

01:26PM

1 A No.

2 Q Does Tyson ever pick up dead birds?

3 A From the house?

4 Q At any time --

5 A Well, it's -- I'm sorry. It's the grower's 02:25PM  
6 responsibility to remove dead birds or daily  
7 mortality from the house.

8 Q Okay. Does Tyson generally set the schedule  
9 for placement of the birds with the grower?

10 A Yes. 02:25PM

11 Q Does Tyson generally set the schedule for the  
12 pickup of the birds from the grower?

13 A Yes.

14 Q Does Tyson determine the quality of birds to  
15 be delivered to a grower? 02:26PM

16 A Tyson -- our intent is to deliver good quality  
17 birds to all growers.

18 Q Does Tyson cull any chicks before it delivers  
19 any birds to the growers?

20 A That practice is not universal but, yes, in 02:26PM  
21 some hatcheries certain chicks that are deemed unfit  
22 for placement or for animal welfare purposes, they  
23 would be culled, yes.

24 Q Does Tyson supply and deliver all the feed to  
25 each farm? 02:26PM

1 A Yes.

2 Q Does Tyson supply all the medications used on  
3 a farm for the birds?

4 A We do supply medication when needed.

5 Q Does Tyson supply all vaccinations to the 02:26PM  
6 birds?

7 A We also supply vaccinations when needed.

8 Q Does Tyson supply all the veterinary services  
9 used or needed for the birds?

10 A We employ and then provide veterinary services 02:27PM  
11 for the growers.

12 Q Does Tyson supply a service tech or  
13 representative who makes weekly or more often visits  
14 to inspect the operations of its growers?

15 A Our service techs don't really inspect, but we 02:27PM  
16 do have service techs that are employed, and they  
17 generally have an area in which they will visit  
18 farms on roughly a weekly basis.

19 Q You said they don't inspect. Do you mean they  
20 don't check the temperature in the barn? 02:27PM

21 A No. What I'm wanting to clarify is that's not  
22 -- their job is to advise growers and to make them  
23 aware of best management practices and to help them  
24 in ways that make sure their flock performs very  
25 well. It's not simply an inspection role. 02:28PM